

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

CEMENT MASONS' UNION LOCAL NO.	:	CIVIL ACTION
592 PENSION FUND, et al.	:	
Plaintiffs	:	
	:	
v.	:	
	:	
BRIDGES CONTRACTING, INC.	:	
	:	
Defendant	:	NO. 02-cv-2837

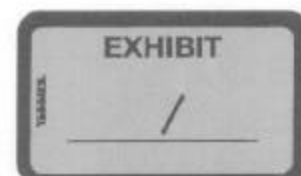
**DECLARATION OF ANTHONY DiSABATO**

Anthony DiSabato, states, under penalty of perjury that the following is true and correct.

1. My name is Anthony DiSabato and my business address is Cement Masons' Union Local No. 592 Welfare and Pension Funds, 2511 Snyder, Philadelphia, Pennsylvania 19145.

2. I am the Administrator of the Cement Masons' Union Local No. 592 Welfare Fund, Cement Masons' Union Local No. 592 Pension Fund, General Building Contractors Association, Inc. Industry Advancement Program, Cement Masons' Union Local No. 592 Political Action Committee and Cement Masons' Union Local No. 592 Joint Apprenticeship Training Fund ("Welfare Fund", "Pension Fund", "IAP", "PAC" and "Apprenticeship Fund" and jointly "Funds") and am authorized to make this Declaration on behalf of the Funds.

3. I have been Administrator of the Funds since July 1, 1995. Prior to that time I served as Vice President and Business Agent for Cement Masons' Union Local 592 of Philadelphia, PA from January 1, 1995 to June 30, 1995. I am trained and experienced in all aspects of the employee benefits field including those areas relating to contributions due



employee benefit plans and the interpretation of collective bargaining agreements requiring such contributions.

4. As Administrator of the Funds, I am charged with keeping and maintaining records of contributions received by the Funds; and maintaining individual records of each person, firm and corporation required to make such contributions to the Funds.

5. I have personal knowledge of the contents of the collective bargaining agreement and the Agreement and Declarations of Trust referred to in the Complaint of the Funds previously filed in this case.

6. The Funds, as part of their normal operating procedure, maintain files containing copies of all remittance reports submitted by contributing employers, and all correspondence sent to the company from the Union. Additionally, records are maintained of all contributions which are paid to the Funds by each contributing employer. This file indicates the name of the contributing employer, his account number with the Funds, the amount paid, the date it was paid and the month or months to which the payment was credited. The Funds' records also include the names and social security numbers of each covered employee employed by that employer.

7. My review of the regular business records and files maintained by the Funds shows that Bridges Contracting, Inc. ("Company" or "Bridges") is party to a Collective Bargaining Agreement signed August 7, 1998 ("Agreement") with Cement Masons' Union Local No. 592 ("Union"). The Agreement provides for the payment of contributions to the Funds for time worked by or paid to employees who perform work covered by the terms and conditions of the Agreement. A true and correct copy of the Agreement is attached to the Motion as Exhibit 2.

8. My review of the regular business records and files maintained by the Funds shows that the Company owes the following amounts for the period of November 2001 through February 2002 as a result of the Company's submission of the following checks for contributions owed, which were returned from the bank due to insufficient funds:

<u>Check Number</u>	<u>Date</u>	<u>Amount</u>
9945	11/19/01	\$1,292.60
9966	12/3/01	\$1,162.60
9977	12/10/01	\$ 646.30
10013	1/28/02	\$ 646.30
10014	2/22/02	\$ 646.30

**Contribution Total**  
\$4,394.10

**Liquidated Damages**  
\$ 439.41

**Total**  
\$4,833.51

9. Company has not permitted a contributory compliance audit as required under the Agreement. See Exhibit 2, Article XIII, § 11.

10. I have executed this Declaration in support of the Motion of Plaintiffs for Default Judgment against Bridges, and request this Court to consider the same as proof in support of the allegations contained in the Complaint of the Funds and other facts stated in this Declaration.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 7-22-02

  
ANTHONY DISABATO